

procedural failures to meet a requirement of section 274A(b) of the Act if the employer or recruiter or referrer for a fee made a good faith attempt to meet such requirement. An employer or recruiter or referrer for a fee will not be considered to have made a good faith attempt to meet such requirement when:

(i) The technical or procedural failure was committed with the intent to avoid a requirement of the Act, as demonstrated by the totality of circumstances including but not limited to the substantial presence of unauthorized aliens hired by the employer combined with a pattern of repeated failures in the completion of the Form I-9 with respect to such unauthorized aliens, or failure of the employer to prepare the Form I-9 until after the employer is served with a Notice of Inspection;

(ii) The technical or procedural failure was committed in knowing reliance on section 274A(b)(6) of the Act;

(iii) The employer or recruiter or referrer for a fee corrected or attempted to correct the technical or procedural failure with knowledge or in reckless disregard of the fact that the correction or attempted correction contained a false, fictitious, or fraudulent statement or material misrepresentation, or has no basis in law or fact;

(iv) The employer or recruiter or referrer for a fee prepared the Form I-9 with knowledge or in reckless disregard of the fact that the Form I-9 contained a false, fictitious, or fraudulent statement or material misrepresentation, or has no basis in law or fact; or

(v) The type of failure was previously the subject of a Warning Notice described in § 274a.9(c) or Notice of Intent to Fine described in § 274a.9(d), or a notice of technical or procedural failures.

(2) An employer or recruiter or referrer for a fee will be subject to civil money penalties under § 274a.10(b) notwithstanding paragraph (e)(1) of this section if, after receiving notice of the technical or procedural failure(s), the employer or recruiter or referrer for a fee does not voluntarily correct the failure(s) on the Form I-9 by the date specified in the notice. The date specified in the notice must be at least 10 days after the date the notice is received in the case of personal service and 15 days after the date on the notice in the case of service by certified or regular mail. No penalty will apply if the failure could not reasonably be corrected, and the employer or recruiter or referrer for a fee provides a Service officer with an explanation of why the

failure(s) cannot reasonably be corrected by the date specified in the notice. This explanation may be written or oral at the discretion of the Service officer. The employer or recruiter or referrer for a fee will be deemed to have properly corrected a technical or procedural failure where the employer or recruiter or referrer for a fee:

(i) In the case of a failure in section 1 of the Form I-9, ensures that the individual, preparer and/or translator corrects the failure on the Form I-9, initials the correction, and dates the correction; or

(ii) In the case of a failure in sections 2 or 3 of the Form I-9, corrects the failure on the Form I-9, initials the correction, and dates the correction.

Dated: March 29, 1998.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

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DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

9 CFR Part 200

Petition for Rulemaking: Packer Livestock Procurement Practices

AGENCY: GIPSA, Agriculture.

ACTION: Notice of release of analysis regarding petition for rulemaking.

SUMMARY: The Secretary of Agriculture received a petition for rulemaking submitted by the Western Organization of Resource Councils (WORC) on October 12, 1996. The petition requested that the Department of Agriculture (USDA) initiate rulemaking to restrict certain livestock procurement practices regarding forward contracting and packer feeding. In order to facilitate full discussion of the issues raised in the petition, USDA published the petition in the **Federal Register** on January 14, 1997 (62 FR 1845) and requested public comment. The comment period closed on April 14, 1997. A team of USDA personnel reviewed the petition, comments, the congressionally-mandated concentration study that USDA completed in 1996, and other available economic studies.

The Secretary of Agriculture has not yet reached a conclusion regarding WORC's petition for rulemaking. USDA is continuing an open dialogue with industry participants to address livestock pricing and concentration issues. In the spirit of that dialogue, the

analysis of the petition and comments is available on GIPSA's internet homepage (<http://www.usda.gov/gipsa/lateadd/lateadd.htm>).

ADDRESSES: You may request a copy of the analysis by contacting the Deputy Administrator, Packers and Stockyards Programs, GIPSA, USDA, Stop 3641, 1400 Independence Avenue, SW, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Jay A. Johnson, Acting Director, Packer and Poultry Division, (202) 720-7363.

Dated: March 30, 1998.

David R. Shipman,

Acting Administrator.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Docket No. 28814; Summary Notice No. PR-98-1]

Petition for Rulemaking; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Notice of petition for rulemaking received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice publishes a petition requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Publication of this notice is not intended to affect the legal status of any petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before June 8, 1998.

ADDRESSES: Send comments in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket No. 28814, 800 Independence Avenue, SW, Washington, DC 20591. Comments may also be sent electronically to the following internet address: 9-NPRM-CMTS@faa.dot.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-200), Room 915G,